

**Carlisle Planning Board Rules and Regulations  
Regarding Special Permits for  
Intermediate Ground-Mounted Solar Photovoltaic Facilities (25.01-100.00 kW DC)**

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**I. General Provisions**

A. Pursuant to Section 5.8 of the Carlisle Zoning Bylaws (“Zoning Bylaws”), a special permit from the Carlisle Planning Board (the “Board”) is required before installation of any Intermediate Ground-Mounted Solar Photovoltaic Facility. The purpose of these Rules and Regulations is to establish uniform procedures for conducting the business of the Board under its jurisdiction as a special permit granting authority for such special permits.

B. These Rules and Regulations are adopted by the Board as authorized by M.G.L. c.40A and Section 5.8.13 of the Zoning Bylaws.

C. Any person applying for a special permit to construct an Intermediate Ground-Mounted Solar Photovoltaic Facility shall comply with the provisions of these Rules and Regulations.

**II. Procedure**

A. It is recommended that the Applicant discuss the Application at a regular Board meeting before the formal filing of a special permit application. In connection with such discussions, the Applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Board and its consultants of the location of the proposed Facility, as well as its scale and overall design. This will help the Board in providing direction to the Applicant and identifying potential issues and needed information. Appointments to meet with the Board must be made through the Board office. The Board also strongly suggests that the Applicant seek input from other Town boards, commissions and officials at this preliminary stage of the application process.

B. The following procedure shall apply to all applications for approval of an Intermediate Ground-Mounted Solar Photovoltaic Facility:

1. The Applicant must file the Application with the Town Clerk (the date of such filing is hereinafter referred to as the “Filing Date”).

2. The Applicant must file two (2) copies of the Application (showing the Filing Date as certified by the Town Clerk) with the Board through its office, including eight (8) reduced (11'x17") copies of the plan set and the fees specified in Section IV below. A copy of the Application and all plans submitted with the Application shall also be submitted to the Board in digital form on compact disc or other digital media acceptable to the Board.
3. The Applicant shall simultaneously file a copy of the Application with the Board of Health and Conservation Commission, and file notice of the application with the Board of Selectmen.
4. Notice of the Public Hearing must be posted, published and mailed as stipulated in M.G.L. c.40A, §§ 9 and 11. In Carlisle, the Applicant is responsible for this notice.
  - a. The notice must, at a minimum, contain the information presented in the sample legal notice attached to these Rules and Regulations. The Board requires the Applicant to review the content of the notice with its designee before the Applicant posts, mails, or publishes it, as required below.
  - b. The Applicant must publish the notice in a newspaper of general circulation in Carlisle once in each of two consecutive weeks, with the first publication occurring no fewer than fourteen (14) days before the date of the hearing. The Applicant must also file the notice with the Town Clerk and mail it, by certified mail, to all Parties in Interest no fewer than fourteen (14) days before the date of the hearing. The Applicant shall present to the Planning Board office, at least one business day prior to the date of the public hearing, the certified mail return receipts as evidence that all Parties in Interest have been notified as required by law, a copy of the notice date stamped by the Town Clerk, and one set of newspaper tear sheets containing the published notice.
  - c. All costs associated with the requirements noted above are the responsibility of the Applicant.
5. The Board must open its Public Hearing within 65 days from the Filing Date of the Application with the Town Clerk, unless the Applicant and the Board agree to an extension.
6. The Board must make its decision on the application, file it with the Town Clerk, and notify the parties in interest within 90 days after the close of the public hearing or within such extended amount of time as may have been agreed to in writing between the Applicant and the Board.
  - a. If the Board fails to make a decision or file its decision with the Town Clerk within 90 days after the close of the public hearing or within such extended amount of time as may have been agreed to as provided for

above, the special permit shall be deemed to have been granted pursuant to M.G.L. c.40A, §9.

7. The decision of the Board may be appealed pursuant to M.G.L. c.40A, §17 within 20 days of the Filing Date.
8. In the event that the special permit is granted, the following conditions must be satisfied before it becomes effective:
  - a. The special permit bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed, and either that no appeal has been filed or that an appeal has been filed within such time, has been recorded with the registry of deeds. The Applicant must deliver a copy of the recorded special permit to the Board, the Building Commissioner and the Town Clerk.

### **III. The Application**

Each copy of the application shall include:

- A. Forms entitled “Application for Intermediate Ground-Mounted Solar Photovoltaic Facilities Special Permit Approval,” “Notice of Public Hearing” and “Agreement for Reimbursement of Expenses and Certification of Accuracy of Application” (available from the Board Office), the payment of an Application Fee and the payment of a Review Fee. The landowner of the proposed Intermediate Ground-Mounted Solar Photovoltaic Facility site shall be the Applicant or co-Applicant(s) and the evidence required in Section 5.8.8 of the Zoning Bylaws shall be provided with the application.
- B. The following plans, all prepared and signed by a licensed professional engineer:
  1. An existing conditions plan at a scale of 1”=200’ (or as otherwise specified by the Board) showing all existing access routes to the proposed site of the Intermediate Ground-Mounted Solar Photovoltaic Facility; structures; fencing; utilities; all other existing site improvements; wetlands; conservation lands; all property boundaries and existing or potential conditions of environmental contamination relevant to the review of the application; structures on abutting properties; existing topography of the parcel at a two-foot contour interval or as otherwise required by the Board (a parcel shown on United States Geological Survey topographic maps of Carlisle may suffice); and existing on-site vegetation. The existing conditions plan shall also depict the location of the proposed facility and support structures; and shall show the distances from the closest point of same to the abutting property lines and to the structures on the abutting properties.
  2. A site plan at a scale of 1”=40’ (or as otherwise specified by the Board) showing the proposed Intermediate Ground-Mounted Solar Photovoltaic Facility, including the system layout and location, and the proposed post-construction conditions including topography, grading, drainage, and temporary or permanent roads and driveways, including, but not limited to, emergency access routes that may be required pursuant to Section 5.9.4.14 of the Zoning Bylaws.

3. A landscape plan at a scale of 1"=40' (or as otherwise specified by the Board) showing any proposed plantings, fencing, or other structure or vegetation for screening purposes, and existing trees to remain on the proposed site relative to the required screening to the abutting properties and/or roads.
  - a. The required landscape plan shall show adequate visual screening through any one or combination of the following: location; distance; plantings; existing vegetation; fencing; or a grass covered earthen berm. When screening consists of plant materials, said plant materials shall provide screening at the time of planting and be of a type that will be expected to form a year-round dense screen. Screening shall be maintained at a height above the highest point of the solar photovoltaic panels, but not less than 8 feet in height at the time of planting. All required plantings shall be maintained throughout the project's life, and replaced as necessary to meet Section 5.8.10.3 of the Zoning Bylaws.
- C. A narrative statement describing how the proposed facility will satisfy each and every requirement set forth in Section 5.8, with accompanying supporting evidence where applicable, organized to correspond to the numbered sections of the Section 5.8.
- D. An adequate demonstration of solar access as required by Section 5.8.10.9.2 of the Zoning Bylaws.
- E. A description of the proposed solar photovoltaic project's major components, including:
  1. Manufacturer, model, quantity, and DC nameplate capacity of all proposed solar photovoltaic modules that convert solar energy into electrical energy.
  2. Manufacturer, model, and quantity of solar inverters to convert the electricity generated from DC to AC.
  3. Manufacturer, model, and installation of solar racking and mounting system (e.g., ballasted, ground screws, etc.).
  4. Manufacturers, models, and quantities of associated electrical equipment, including transformers, meters, combiners, disconnects, etc.
- F. Stormwater Drainage Report.
- G. Either the fully-executed Interconnection Service Agreement (ISA) between the electric distribution company (EDC) and the Applicant/system owner or a complete copy of the Interconnection Application submitted by the Applicant/system owner to the EDC, including proof of payment of the applicable Interconnection Application fee by the Applicant/system owner to the EDC.
- H. A one- or three-line electrical diagram stamped by a licensed professional engineer detailing the solar photovoltaic installation, associated components, and electrical

interconnection methods, with all National Electrical Code (NEC) and Massachusetts NEC amendments, compliant disconnects, and overcurrent devices.

- I. Profile drawings showing the heights of module/racking assembly, inverters, transformers, and electrical panelboards.
- J. Manufacturers' datasheets for solar photovoltaic modules, inverters, racking, transformers, and electrical panelboards.
- K. The name, address, and phone numbers for the proposed system installer.
- L. Documentation of actual or prospective access and control of the project site.
- M. Plans for the operation and maintenance of the solar photovoltaic facility, including measures for maintaining safe access to the site, stormwater controls, as well as general procedures for operational maintenance of the installation.
- N. An emergency response plan, including explicit instructions on all means of shutting down the facility, if requested by the Carlisle Fire Department. All emergency response plans must include current and updated contact information for a responsible person for public inquiries related to the emergency response plan for the life of the Facility.
- O. Estimate prepared by a qualified engineer of the expected costs (including inflation) associated with the eventual removal of the solar facility (w/surety acceptable to PB), and the Applicant's proposed instrument to be used for securing the eventual removal of the facility pursuant to Section 5.8.12.3.
- P. Insurance certificate.
- Q. Lease, if applicable.
- R. Application fee and Project Review Fee.

#### **IV. Fees and Charges**

A. The Application Fees for an Intermediate Ground-Mounted Solar Photovoltaic Facility are as stated on the Schedule of Planning Board Application Fees and the special permit application form, as may be amended from time to time. No Application shall be considered complete unless accompanied by the required fees and a signed copy of Attachment C, Agreement for Reimbursement of Expenses and Certification of Accuracy of Application.

B. Review of an Intermediate Ground-Mounted Solar Photovoltaic Facility Application is expected to require the services of outside consultants and independent professionals. The Applicant is required to pay a Project Review Fee in an amount specified by the Board consisting of the anticipated costs to be incurred for the employment of outside consultants engaged by the Board to assist in the review of a proposed project, and to replenish the amount on account with the Board as required during the hearing.

C. In hiring outside consultants, the Board may engage engineers, planners, lawyers, or other appropriate professionals who can assist the Board in analyzing an Intermediate Ground-Mounted Solar Photovoltaic Facility project. Such assistance may include, but not be limited to, application analysis, design review, monitoring, inspecting a project, or construction observation and post construction verification of performance.

D. Funds received by the Board pursuant to this section shall be deposited with the Town treasurer who shall establish a special account pursuant to M.G.L. c.44, §53G for this purpose. Expenditures from this special account may be made at the direction of Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project. Accrued interest may also be spent for this purpose. Failure of an Applicant to pay the required fees set forth herein shall be grounds for disapproving a project.

E. Upon completion of the construction of the Facility in accordance with the Zoning Bylaws and these regulations, and upon the Applicant's written request, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the Applicant.

F. The Applicant shall reimburse the Town for all expenses incurred by the Board for services in excess of the initial Project Review Fee paid, including any professional review fees and independent consultant fees.

G. An Applicant may take an administrative appeal from the selection of an outside consultant to the Board of Selectmen. Such an appeal must be made in writing and may be taken only within 20 days after the Board has selected a consultant, and the grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications within the meaning of M.G.L. c.44, §53G. The required time limit for action upon an application shall be extended by the duration of the administrative appeal.

## **V. Miscellaneous.**

A. The Board may schedule a site visit, accompanied by the Applicant and/or his or her representatives.

B. The Board may waive strict compliance with the provisions of these Rules and Regulations concerning application materials and informational requirements if it finds the required information to be irrelevant to a particular project, or that the granting of the waiver is in the public interest and would not be inconsistent with the intent and purpose of the Zoning Bylaws and these Rules and Regulations. Notwithstanding the foregoing, the Board may not waive anything expressly required by the Zoning Bylaws.

Requests from an Applicant for a waiver of these Rules and Regulations should be submitted, in writing, to the Board at the time of submission of the Application. Such requests must clearly identify the provision(s) of the Rules and Regulations from which relief is sought and be accompanied by a statement setting forth the reasons why the specific information required is irrelevant to the project, or why the granting of such waiver

would be in the public interest and would not be inconsistent with the intent and purpose of the Zoning Bylaws and these Rules and Regulations.

C. The rights granted by the special permit shall lapse if they are not exercised within one (1) year of the expiration of the appeal period or, if an appeal has been taken, within one (1) year of the date that the appeal was finally resolved. The Board may grant an extension of time to exercise a special permit upon the request of the Applicant and on a showing of good cause.

D. The Board may amend these Rules and Regulations by a majority vote at a public meeting.